

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Petition of Time Warner Cable for)	WC Docket No. 06-54
Preemption Pursuant to Section 253 of the)	
Communications Act, as Amended)	
)	
Petition of Time Warner Cable for)	
Declaratory Ruling that Competitive Local)	WC Docket No. 06-55
Exchange Carriers May Obtain)	
Interconnection Under Sections 251 of the)	
Communications Act of 1934, as Amended,)	
To Provide Wholesale Telecommunications)	
Services to VoIP Providers)	

**Reply Comments of
Rock Hill Telephone Company d/b/a Comporium Communications, Lancaster
Telephone Company d/b/a Comporium Communications, and Fort Mill
Telephone Company d/b/a Comporium Communications (Comporium)**

Rock Hill Telephone Company d/b/a Comporium Communications, Fort Mill
Telephone Company d/b/a Comporium Communications, and Lancaster Telephone
Company d/b/a Comporium Communications (collectively "Comporium") hereby submit
these reply comments to the Federal Communications Commission ("FCC" or
"Commission") in the above-captioned proceedings.¹

The Comporium companies are rural local exchange carriers ("RLECs") that
provide wireline telephone service to over 100,000 access lines in portions of York,

¹ *Pleading Cycle Established For Comments on Time Warner Cable's Petition For Preemption Regarding the South Carolina Public Service Commission's Denial of a Certificate of Public Convenience and Necessity*, WC Docket No. 06-54, Public Notice, DA 06-535 (released March 6, 2006), and *Pleading Cycle Established For Comments on Time Warner Cable's Petition For Declaratory Ruling That Competitive Local Exchange Carriers May Obtain Interconnection To Provide Wholesale Telecommunications Services to VoIP Providers*, WC Docket No. 06-55, Public Notice, DA 06-534 (released March 6, 2006).

Lancaster, Chester, and Kershaw counties in the South Carolina Piedmont region. The Comporium companies are rural telephone companies as defined in 47 U.S.C. Sec. 153(37). In addition to local telephone service, the Comporium companies and their affiliates provide a wide array of communications services, including dial-up and high-speed internet, long distance, wireless, and video programming services to rural consumers.

One of the Comporium companies, Fort Mill Telephone Company, is a party to the South Carolina Public Service Commission ("PSC") proceeding at issue in Time Warner's preemption request, as described in the comments of the South Carolina Telephone Coalition ("SCTC").² Comporium is a member of the SCTC, and fully concurs in the comments filed by the SCTC in both of the instant proceedings.

DISCUSSION

I. Comporium Does Not Endorse the Comments of the South Carolina Cable Television Association in This Proceeding

Because several of the Comporium companies' affiliates are traditional cable companies, Comporium is a member of the South Carolina Cable Television Association ("SCCTA"), as the SCCTA indicates in its comments.³ Nevertheless, Comporium does not endorse the SCCTA's comments in the instant proceedings, and, in fact, strongly disagrees with the SCCTA's characterization of the South Carolina administrative hearing at issue, as well as the SCCTA's interpretation of the resulting PSC Orders.

² SCTC Comments at page 2.

³ SCCTA Comments at Attachment 1, page 1.

II. Time Warner Has Simply Failed to Meet its Burden of Proof in a State Administrative Proceeding.

Time Warner's Petition is simply an attempt to reverse the decision in a state administrative proceeding. The PSC's decision was a sound one; Time Warner presented such an unclear case that the PSC was left wondering exactly what it was that Time Warner was seeking.⁴ Nothing that has been presented to the FCC by other parties in their comments changes this simple fact. In fact, the comments can easily be divided into two "camps:" 1) those that understand that there is no basis for FCC preemption of a reasonable PSC Order,⁵ and 2) those that gloss over the facts of this particular administrative proceeding in order to make a case for their own policy agendas.⁶

CONCLUSION

The PSC orders simply drew the reasonable conclusion that Time Warner had not met its burden of proof in a contested, evidentiary administrative proceeding. The PSC acted within the scope of a competitively neutral state law, and by its action did not erect any unlawful "barrier to entry." Time Warner cannot change these facts by simply filing its petition, and supporting commenters cannot change them by simply ignoring the record of the administrative proceeding or mischaracterizing the basis of the PSC's

⁴ SCTC Comments at page 7.

⁵ See generally, for example, the Comments of the SC Office of Regulatory Staff, TCA, Inc., and ITTA/NECA/NTCA/OPASTCO, as well as those of SCTC and Home/PBT.

⁶ See generally, for example, the Comments of Sprint and Verizon.

action. For these reasons, Comporium believes that the FCC should deny Time Warner's Petition for Preemption of the South Carolina PSC's orders denying an expanded certificate to Time Warner.

Respectfully Submitted,

Comporium

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